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STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

In the Matter of:

IN THE MATTER OF:

TRI-C TIRE RECYCLING, INC.

TPID NO: 1443267-01

RESPONDENT.

ADMINISTRATIVE DECISION FOR THE  
REVOCATION OF WASTE AND USED  
TIRE HAULER REGISTRATION AND  
WASTE AND USED TIRE HAULER  
ADMINISTRATIVE PENALTIES

AGENCY NO. 2008-000003-REV  
OAH NO. 2008-060034

In the Matter of:

TRI-C TIRE RECYCLING, INC; PERMITEE  
RE: TRI-C TIRE RECYCLING, INC. DBA  
LESTER TIRE; LESTER TIRE DBA TRI-C  
TIRE RECYCLING, INC.

TPID NO: 1464553-01

ASSESSOR PARCEL NO: 062-0060-041-0

RESPONDENT.

AGENCY NO. 2008-000002-REV  
OAH NO. 2008060070

## PROCEDURAL HISTORY

The California Integrated Waste Management Board (CIWMB) issued an accusation on April 9, 2008, and an amended accusation on July 30, 2008 seeking to revoke TRI-C TIRE RECYCLING, INC.'s (RESPONDENT) CIWMB Waste and Used Tire Hauler Registration (registration) for five (5) years in accordance with Public Resources Code (PRC) section 42960. CIWMB also issued an accusation seeking to revoke RESPONDENT's CIWMB Waste Tire Permit (permit) at 6241 Turner Road in Sacramento. RESPONDENT timely appealed both accusations, the cases were consolidated by order of the Office of Administrative Hearings on July 15, 2008, and a hearing was scheduled for August 18, 2008.

On August 18, 2008, the parties negotiated a Stipulation for Issuance of Administrative Decision ("Stipulation") to resolve the issues in this consolidated case. The CIWMB hereby adopts the Stipulation. Pursuant to the Stipulation, and good cause appearing therefore, the following Stipulated Factual Findings and Conclusions of Law are made, and the following Stipulated Order is issued for the waste and used tire hauler registration and the imposition of waste and used tire hauler penalties:

## STIPULATED FACTS

1. The CIWMB has authority to regulate and conduct enforcement actions regarding Waste Tire Haulers within the State of California under PRC section 42950 et seq. and attendant regulations contained in Title 14 of the California Code of Regulations (CCR).

2. RESPONDENT applied for and obtained from CIWMB a 2007 Waste and Used Tire Hauler Registration, effective on May 24, 2007 through December 31, 2007, in accordance with PRC sections 42955 and 42956, and implementing regulations (2007 Registration).

3. RESPONDENT applied for and obtained from CIMWB a 2008 Waste and Used Tire Hauler Registration, effective on January 1, 2008 through December 31,



1 2008, pursuant to PRC sections 42955 and 42956, and implementing regulations (2008  
2 Registration).

3 4. RESPONDENT has used the 2007 and 2008 Registrations to collect  
4 waste or used tires from its customers, and then to illegally haul the tires to unpermitted  
5 waste tire facilities or otherwise unauthorized facilities, thereby creating unpermitted  
6 major and minor waste tire facilities in violation of PRC sections 42823, 42824, and  
7 42834. The above-referenced unpermitted or other unauthorized, waste tire facilities are  
8 or were located at 1500 East Kentucky Street, Woodland, California 95695 (East  
9 Kentucky Street property); 333 North Pioneer Avenue, Woodland, California; 6254  
10 Turner Road, Sacramento, California; and 6241 Turner Road, Sacramento, California.

11 5. On or about August 27, 2007, CIWMB issued a decision imposing  
12 \$10,000.00 in administrative penalties against RESPONDENT (Agency Case No. 2206-  
13 010946-ADC) for violations of California's Uniform Waste and Used Tire Manifest  
14 System requirements of PRC section 42961.5 pursuant to the authority set forth in PRC  
15 section 42962.

16 **1500 EAST KENTUCKY STREET VIOLATIONS:**

17 6. On or about August 10, 2006, the County of Yolo Health Department  
18 issued a letter to RESPONDENT stating that RESPONDENT "must contact the  
19 California Integrated Waste Management Board and obtain a Major Tire Facility Permit  
20 for their operation." This August 10, 2006 letter was issued in response to a Site Plan  
21 submitted by RESPONDENT for their waste tire recycling facility operations at 1500  
22 East Kentucky Street, Woodland, CA.

23 7. On or about September 12, 2007, a Yolo County inspector issued to  
24 RESPONDENT Notice of Violation No 18-1026430, documenting that there were 1,400  
25 waste tires at 1500 East Kentucky Street, Woodland, California in violation of PRC  
26 section 42834. At that time, RESPONDENT did not possess either a minor or major  
27 waste tire permit for this site. By storing 1,400 waste tires, RESPONDENT created an  
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unpermitted minor waste tire facility at this site pursuant to PRC sections 42808 and 42834, and 14 CCR section 18420.

8. On or about March 3, 2008, a Yolo County inspector issued to RESPONDENT Notice of Violation No. 14-1026476, documenting that there were more than 3,000 waste tires at 1500 East Kentucky Street, Woodland, California in violation of PRC section 42834. At that time, RESPONDENT did not possess either a minor or major waste tire permit for this site. By storing 3,000 waste tires, RESPONDENT created an unpermitted minor waste tire facility at this site pursuant to PRC sections 42808 and 42834, and 14 CCR section 18420.

9. On or about March 26, 2008, a Yolo County inspector issued to RESPONDENT Notice of Violation No. 11-1081022 documenting that there were more than 5,000 waste tires stored at 1500 East Kentucky Street, Woodland, California 95695 in violation of PRC section 42824. At that time, RESPONDENT did not possess either a minor or major waste tire permit for this site. By storing more than 5,000 waste tires, RESPONDENT created an unpermitted major waste tire facility at this site pursuant to PRC sections 42808, 42823, 42824, and 14 CCR section 18420.

10. On or about May 7, 2008, a Yolo County inspector issued to RESPONDENT Notice of Violation No. 11-1081005 documenting that there were more than 5,000 waste tires stored at 1500 East Kentucky Street, Woodland, California 95695 in violation of PRC section 42824. At that time, RESPONDENT did not possess either a minor or major waste tire permit for this site. By storing more than 5,000 waste tires, RESPONDENT created an unpermitted major waste tire facility at this site pursuant to PRC sections 42808, 42823, and 42824, and 14 CCR section 18420.

11. On or about May 16, 2008, CIWMB issued Cleanup and Abatement Order (CAO) No. 2008-010971-CAO to RESPONDENT requiring removal of all waste tires from 1500 East Kentucky Street, Woodland, California 95695 within 30 days of service of the CAO. On or about May 22, 2008, RESPONDENT was served with CAO No. 2008-010971-CAO.



1        12.        On or about June 30, 2008, a Yolo County inspector issued Notice of  
2 Violation No. I1-1081055 documenting that more than 5,000 waste tires were stored at  
3 1500 East Kentucky Street, Woodland, California 95695, in violation of PRC section  
4 42824 and CAO No. 2008-010971-CAO issued by the CIWMB on May 16, 2008. At  
5 that time, RESPONDENT did not possess either a minor or major waste tire permit. By  
6 storing more than 5,000 waste tires, RESPONDENT created an unpermitted major  
7 waste tire facility at this site pursuant to PRC sections 42808, 42823, and 42824, and  
8 14 CCR section 18420.

9 **333 NORTH PIONEER AVENUE VIOLATIONS**

10        13.        On or about April 2, 2008, a Yolo County inspector issued Notice of  
11 Violation No. I1-1081033 documenting that RESPONDENT was storing more than  
12 2,000 waste tires at 333 North Pioneer Avenue, Woodland, California in violation of  
13 PRC section 42834. At that time, RESPONDENT did not possess either a minor or  
14 major waste tire permit for 333 North Pioneer Avenue, Woodland, California. By storing  
15 more than 2,000 waste tires, RESPONDENT created an unpermitted minor waste tire  
16 facility at this site, pursuant to PRC sections 42808 and 42834, and 14 CCR section  
17 18420.

18        14.        On or about May 12, 2008, a Yolo County inspector again issued a Notice  
19 of Violation No. I1-1081024 to RESPONDENT documenting that more than 2,000 waste  
20 tires were located at 333 North Pioneer Avenue, Woodland, California in violation of  
21 PRC section 42834. At that time, RESPONDENT did not possess either a minor or  
22 major waste tire permit for storing tires at this site. By storing more than 2,000 waste  
23 tires, RESPONDENT created an unpermitted minor waste tire facility at this site  
24 pursuant to PRC sections 42808 and 42834, and 14 CCR section 18420.

25        15.        On or about July 14, 2008, CIWMB issued CAO No. 2008-010972-CAO to  
26 RESPONDENT requiring the removal of all waste tires from the property located at 333  
27 North Pioneer Avenue Woodland, California, within 30 days service of the CAO. On  
28 July 16, 2008, CAO No. 2008-010972-CAO was served on RESPONDENT.

1 **6254 TURNER ROAD VIOLATIONS**

2 16. On or about September 11, 2007, a Sacramento County inspector issued  
3 Notice of Violation No. I5-1061417 documenting that there were 2,000 waste or used  
4 tires stored at 6254 Turner Road. At that time, RESPONDENT did not possess either a  
5 minor or major waste tire permit for storing tires at this site. By storing more than 2,000  
6 waste tires, RESPONDENT created an unpermitted minor waste tire facility at this site  
7 pursuant to PRC sections 42808 and 42834, and 14 CCR section 18420.

8 17. On or about October 31, 2007, a Sacramento County inspector  
9 determined that more than 500 waste tires were stored at the 6254 Turner Road site,  
10 and referred the case to CIWMB in inspection report number I4-1061291 because of a  
11 violation of PRC section 42834, and 14 CCR sections 18420(a), 18423, 18432, 18433,  
12 17351, and 17353. At that time, RESPONDENT did not possess either a minor or  
13 major waste tire permit for storing tires at this site. By storing more than 500 waste tires  
14 at this site, RESPONDENT created an unpermitted minor waste tire facility at this site  
15 pursuant to PRC sections 42808 and 42834, and 14 CCR section 18420.

16 18. On or about March 5, 2008, CIWMB issued Cleanup and Abatement  
17 Order No. 2007-010967-CAO directed to RESPONDENT requiring the removal and  
18 cleanup of waste tires at 6254 Turner Road, Sacramento within 30 days after service of  
19 the CAO. On March 7, 2008, RESPONDENT was served with CAO No. 2007-010967-  
20 CAO.

21 19. On or about May 20, 2008, inspectors determined that RESPONDENT  
22 complied with the Cleanup and Abatement Order.

23 **6241 TURNER ROAD VIOLATIONS**

24 20. In or about December 2006, RESPONDENT purchased a tire-related  
25 business located at 6241 Turner Road, Sacramento. On or about January 8, 2007,  
26 RESPONDENT filed Business License Application number 330834 with the Tax  
27 Collection and Licensing Division, County of Sacramento, under the name "Tri-C Tire  
28 Recycling, Inc. dba Lester Tire Recycling" for the tire-related business located at this



1 site. On or about January 17, 2007, Sacramento County denied RESPONDENT's  
2 Business License Application number 330834.

3       Thereafter, on February 7, 2007, RESPONDENT failed to disclose to CIWMB  
4 that the County had denied its Business License Application number 330834 in  
5 RESPONDENT's application for a waste tire facility permit for the business located at  
6 6241 Turner Road, Sacramento, California, under the name "Lester Tire dba Tri-C Tire  
7 Recycling".

8       Based on RESPONDENT's failure to disclose that Sacramento County denied its  
9 Business License application No. 330834, on March 18, 2007, CIWMB issued a minor  
10 waste tire facility permit (TPID No. 1464553) allowing storage of 4,999 waste tires for  
11 the property located at 6241 Turner Road, Sacramento, California.

12       If CIWMB had known that Sacramento County had denied RESPONDENT's  
13 license application No. 330834, no waste tire facility permit would have been issued for  
14 the property located at 6241 Turner Road, Sacramento, California.

15       On or about March 18, 2007, based on the foregoing allegations, because  
16 RESPONDENT failed to disclose to CIWMB that Sacramento County denied its license  
17 application to conduct business at 6241 Turner Road, RESPONDENT committed a  
18 misrepresentation or omission of a significant fact or other required information in the  
19 application for a waste and used tire hauler registration in violation of PRC section  
20 42960. In mitigation, RESPONDENT represents that its former manager who had  
21 sought the business license and prepared the application for the minor waste tire facility  
22 permit, did not advise RESPONDENT that the business license had been denied.

23       21. On or about September 11, 2007, a Sacramento County inspector issued  
24 Notice of Violation No. I1-1043741 documenting that there were over 15,000 waste tires  
25 at 6241 Turner Road, Sacramento. Based on RESPONDENT's failure to disclose that  
26 Sacramento County denied its license application to conduct business at 6241 Turner  
27 Road, the minor waste tire facility permit for TPID No. 1464553, was invalid.

28 Accordingly, RESPONDENT did not possess either a valid minor or major waste tire



1 permit for storing tires at this site. By storing more than 15,000 waste tires at this site,  
2 RESPONDENT created an unpermitted major waste tire facility in violation of PRC  
3 sections 42808, 42823, and 42824 and 14 CCR 18420.

4 Alternatively, on September 11, 2007, even if RESPONDENT's waste tire facility  
5 permit for TPID No. 1464553 had been valid, RESPONDENT stored more than 15,000  
6 waste tires at this site; an amount that exceeds by 10,000 the number of waste tires  
7 allowed by the permit issued for TPID No. 1464553, in violation of PRC sections 42820  
8 *et seq.*

9 22. On or about October 31, 2007, a Sacramento County inspector issued a  
10 referral to CIWMB in inspection report no. I6-1061418, because the inspector counted  
11 over 7,000 waste tires at 6241 Turner Road, Sacramento. Based on RESPONDENT's  
12 failure to disclose that Sacramento County denied its license application to conduct  
13 business at 6241 Turner Road, the minor waste tire facility permit for TPID No.  
14 1464553, was invalid. Accordingly, RESPONDENT did not possess either a valid minor  
15 or major waste tire permit for storing tires at this site. By storing more than 7,000 waste  
16 tires at this site, RESPONDENT created an unpermitted major waste tire facility in  
17 violation of PRC section 42808, 42823, 42824, and 14 CCR 14820.

18 Alternatively, on October 31, 2007, even if RESPONDENT's waste tire facility  
19 permit had been valid, RESPONDENT stored more than 7,000 waste tires at this site;  
20 an amount that exceeds by 2,000 the number of waste tires allowed by the permit  
21 issued by the CIWMB, in violation of PRC sections 42820 *et seq.*

22 23. On or about February 19, 2008, CIWMB issued CEASE AND DESIST  
23 Order No. 2007-010918-CDO to RESPONDENT requiring RESPONDENT to cease and  
24 desist the storage of more than 4,999 tires at 6241 Turner Road, Sacramento.

25 24. From on or about May 24, 2007 to on or about March 19, 2008,  
26 RESPONDENT hauled 765 (seven hundred sixty-five) loads, each load containing at  
27 least 500 waste or used tires, to the facility located at 1500 East Kentucky Street,  
28 Woodland, California 95695. This East Kentucky Street location does not have a



1 CIWMB waste tire facility permit, and is not otherwise an authorized minor or major  
2 waste tire facility. Each load of waste or used tires taken to this location is a violation of  
3 PRC section 42951(b), which prohibits hauling waste or used tires to an unauthorized  
4 waste tire facility.

5 25. On or about September 11, 2007, RESPONDENT hauled at least three  
6 loads of approximately 500 waste or used tires to 6254 Turner Road in Sacramento,  
7 California. There was 2,000 waste or used tires at this location, which does not have a  
8 CIWMB waste tire facility permit, and is otherwise not authorized to accept waste tires.  
9 Each load of waste or used tires taken to this location is a violation of PRC section  
10 42951(b), which prohibits hauling waste or used tires to an unauthorized waste tire  
11 facility.

#### 12 **STIPULATED CONCLUSIONS OF LAW**

13 26. The parties stipulate to the following conclusions of law:

14 a) RESPONDENT violated PRC section 42823 when it established a  
15 major waste tire facility and expanded an existing minor waste tire facility without  
16 obtaining a major waste tire facility permit issued by the Board.

17 b) RESPONDENT violated PRC section 42824 by transporting waste  
18 tires to a major waste tire facility or to accept waste tires at a major waste tire facility  
19 unless the operator has obtained a major waste tire facility permit.

20 c) RESPONDENT violated PRC section 42834 by transporting waste  
21 tires to minor waste tire facilities or by accepting waste tires at minor waste tire facilities  
22 when the operator has failed to obtain minor waste tire facility permits.

23 d) RESPONDENT created and operated unpermitted minor and major  
24 waste tire facilities in violation of 14 CCR section 18420(a).

25 e) RESPONDENT violated Public Resources Code section 42951(b)  
26 by hauling used or waste tires to an unpermitted facility.

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1 **ORDER**

2 The CIWMB approves of the terms of the Stipulation and the following order is hereby  
3 made:

4 27. CIWMB imposes an administrative penalty for waste and used tire hauler  
5 penalties in favor of the CIWMB in the sum of One Hundred and Twenty Thousand  
6 Dollars (\$120,000.00). RESPONDENT shall pay the sum of Twenty Thousand Dollars  
7 (\$20,000) to CIWMB immediately, meaning on or before September 15, 2008. If the  
8 payment of \$20,000 is made by the due date, the remaining \$100,000 shall be stayed  
9 for a period of three years subsequent to this Decision on condition that the  
10 RESPONDENT shall comply with all terms of this Stipulation as described below.

11 Further, the payment shall be directed to the Attn: Esther Gallegos, CIWMB, P.O. Box  
12 4025, Sacramento, CA 95812-4025. Failure to pay the sum of \$20,000 to CIWMB by  
13 the due date shall constitute a breach of this Stipulation.

14 a) In the event RESPONDENT fails to pay the sum of \$20,000 to  
15 CIWMB by the due date, or any other amount in accordance with the terms of the  
16 Stipulation, CIWMB may determine that a breach of this Stipulation has occurred and  
17 demand immediate payment of up to the \$120,000 administrative penalty.

18 b) If RESPONDENT fails to pay the amount owed hereunder, CIWMB  
19 may record a lien on any real or personal property owned by RESPONDENT for the  
20 amount owed to CIWMB. Once the balance owed is paid, the CIWMB will record a  
21 Satisfaction of Lien form.

22 28. The tires and waste tire equivalents at the 1500 East Kentucky Street, 333  
23 North Pioneer Avenue, 6254 Turner Road and 6241 Turner Road properties shall be  
24 removed within 120 days if not sooner from the effective date of this stipulation. During  
25 this clean up (tire removal) period, RESPONDENT may not haul waste or used tires  
26 other than for the exclusive purpose of cleaning up said properties. These tires and  
27 waste tire equivalents shall be hauled to a CIWMB permitted facility or facility excluded  
28 from the CIWMB's jurisdiction, and RESPONDENT agrees to manifest said tires and



1 submit said manifests to Keith Cambridge at CIWMB, Hauler Unit, 1001 I Street, P.O.  
2 Box 4025, Sacramento, CA 95812.

3 29. RESPONDENT's waste and used tire hauler registration shall be revoked  
4 for a period of one year. Said revocation will be stayed on the following terms and  
5 conditions:

6 a) RESPONDENT to receive a sixty (60) day suspension, and is to  
7 receive credit for a 10 day error in the WTMS system stating RESPONDENT was not a  
8 public hauler in April 2008. The suspension is to occur after the date on which it has  
9 been verified by proper authority that all tires have been removed from the above-  
10 mentioned sites. RESPONDENT will be responsible and will bear the expense of  
11 turning in the decals on all registered vehicles to the CIWMB's designated agent  
12 for purposes of starting the suspension. RESPONDENT cannot perform cleanup of  
13 sites pursuant to CIWMB grants or contracts during the cleanup or suspension periods.

14 b) No new tires or waste tire equivalents shall be brought into the  
15 1500 Kentucky street property, the 333 N. Pioneer Street property, or the Turner Road  
16 properties, until local and CIWMB approvals are obtained.

17 30. RESPONDENT shall not apply for any waste tire facility permit until all  
18 applicable local and State approvals are obtained, including but not limited to the  
19 AQMD's air permit for any shredders.

20 31. In the event of non-compliance or default with this stipulation,  
21 RESPONDENT shall be assessed penalties from the administrative penalties that are  
22 held in abeyance and revoked as follows:

23 a) RESPONDENT will incur a \$10,000 administrative penalty for each  
24 10 days that Tri-C is late on cleanup for any of the sites;

25 b) RESPONDENT will incur a \$10,000 administrative penalty for  
26 storing any waste tires without a waste tire facility permit or as otherwise consistent with  
27 this Stipulation. This penalty is separate and distinct, and does not limit CIWMB from  
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1 pursuing other penalties that CIWMB pursuant to its laws and the Administrative  
2 Procedures Act.

3 c) RESPONDENT's waste and used tire hauler registration will be  
4 revoked for one year if RESPONDENT hauls waste tires during the period of its  
5 suspension, if it creates any new unpermitted minor or major waste tire facility, or if it  
6 fails to cleanup existing unpermitted waste tire facilities.

7 32. For the three year time period subsequent to the issuance of the  
8 Administrative Decision concerning this matter, RESPONDENT shall do the following:

9 a) RESPONDENT will produce manifests and supporting documents  
10 upon request; and

11 b) RESPONDENT will comply with the manifesting laws at Public  
12 Resources Code section 42961.5 and its implementing regulations.

13  
14 Dated this 19<sup>th</sup> day of August, 2008

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19 MARGO REID BROWN  
20 Chair  
21 CALIFORNIA INTEGRATED WASTE  
22 MANAGEMENT BOARD  
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